

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SEP 18 2007

SEP 25 2007

AUG 24 2007

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BY _____
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UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

SEP 11 2007

MDL NO. 1766

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION*E. Aredia and Zometa Products Liability Litigation*MDTN#
3:07-cv-0931**CONDITIONAL TRANSFER ORDER (CTO-43)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS**

On April 18, 2006, the Panel transferred 27 civil actions to the United States District Court for the Middle District of Tennessee for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 429 F.Supp.2d 1371 (J.P.M.L. 2006). Since that time, 257 additional actions have been transferred to the Middle District of Tennessee. With the consent of that court, all such actions have been assigned to the Honorable Todd J. Campbell.

It appears that the action on this conditional transfer order comprise claims relating to: 1) the prescription drugs Aredia and/or Zometa; and 2) the prescription drug Fosamax. This action is already included in MDL-1789 previously centralized in the Southern District of New York before the Honorable John F. Keenan. The Aredia/Zometa claims, however, appear to share questions of fact with actions in MDL-1760 previously centralized in the Middle District of Tennessee.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Middle District of Tennessee for the reasons stated in the order of April 18, 2006, and, with the consent of that court, assigned to the Honorable Todd J. Campbell.

The claims in this action relating to Fosamax are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the Southern District of New York for continued inclusion in the centralized pretrial proceedings in MDL-1789.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Middle District of Tennessee. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

SEP 11 2007

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Jeffery N. Luthi
Jeffery N. Luthi
Clerk of the Panel

ATTEST AND CERTIFY
A TRUE COPY

Clerk
U.S. District Court
Middle District of Tennessee

By: *Ann K. Hunt*
Deputy Clerk